

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-47927

JOSEPH SMITH,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER REQUIRING DEBTOR'S PERSONAL REPRESENTATIVE TO SHOW CAUSE
IN WRITING WHY THIS CASE SHOULD NOT BE DISMISSED,
DUE TO DEBTOR'S DEATH**

The Court has been informed that the Debtor in this Chapter 13 case died, on February 27, 2013. Fed.R.Bankr.P. 1016 provides:

Death or incompetency of the debtor shall not abate a liquidation case under chapter 7 of the Code. In such event the estate shall be administered and the case concluded in the same manner, so far as possible, as though the death or incompetency had not occurred. **If a reorganization, family farmer's debt adjustment, or individual's debt adjustment case is pending under chapter 11, chapter 12, or chapter 13, the case may be dismissed; or if further administration is possible and in the best interest of the parties, the case may proceed and be concluded in the same manner, so far as possible, as though the death or incompetency had not occurred.**

(Emphasis added).

The question arises whether this case should be dismissed, because of the Debtor's death.

Accordingly,

IT IS ORDERED that if the personal representative of the Debtor opposes the dismissal of this case, then **no later than September 26, 2014**, such person must file a written response to this Order, showing cause why the Court should not dismiss this case under Fed.R.Bankr.P. 1016, on the ground that the Debtor is deceased.

Signed on September 12, 2014

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge